

116TH CONGRESS
1ST SESSION

S. 1631

To establish criminal penalties for aliens who fail to depart before the
expiration of their visas.

IN THE SENATE OF THE UNITED STATES

MAY 23 (legislative day, MAY 22), 2019

Mr. KENNEDY introduced the following bill; which was read twice and referred
to the Committee on the Judiciary

A BILL

To establish criminal penalties for aliens who fail to depart
before the expiration of their visas.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. CRIMINAL PENALTIES FOR ALIENS WHO FAIL**
4 **TO DEPART FROM THE UNITED STATES BE-**
5 **FORE THE EXPIRATION OF THEIR VISAS.**

6 (a) IN GENERAL.—Section 274D of the Immigration
7 and Nationality Act (8 U.S.C. 1324d) is amended to read
8 as follows:

1 **“SEC. 274D. PENALTIES FOR FAILURE TO DEPART.**

2 “(a) PROHIBITED CONDUCT.—It is unlawful for any
3 alien who is subject to a final order of removal—

4 “(1) to willfully fail or refuse—

5 “(A) to depart from the United States pur-
6 suant to such order;

7 “(B) to make a timely application in good
8 faith for travel or other documents necessary
9 for departure; or

10 “(C) to present for removal at the time
11 and place required by the Secretary of Home-
12 land Security; or

13 “(2) to conspire to or take any action designed
14 to prevent or hamper the alien’s departure pursuant
15 to such order.

16 “(b) CIVIL PENALTIES.—Any person who violates
17 subsection (a) shall pay a civil penalty of not more than
18 \$500 to the Secretary of Homeland Security for each day
19 the alien remains in violation of such subsection.

20 “(c) CRIMINAL PENALTIES.—Any alien who is re-
21 quired to depart from the United States as a result of
22 the expiration of the alien’s visa and fails to depart the
23 United States within the prescribed period shall be fined
24 under title 18, United States Code, imprisoned for not
25 more than 1 year, or both.

1 “(d) CONSTRUCTION.—Nothing in this section shall
2 be construed to diminish or qualify any penalties to which
3 an alien may be subject for activities proscribed under sec-
4 tion 243(a) or any other section of this Act.”.

5 (b) CLERICAL AMENDMENT.—The table of contents
6 for the Immigration and Nationality Act (8 U.S.C. 1101
7 note) is amended by striking the item relating to section
8 274D and inserting the following:

“Sec. 274D. Penalties for failure to depart.”.

